

**REMARKS**

The claims have been amended as suggested by the Examiner to positively recite that the plate also serves to suppress backward flow of the (reaction) gas, in light of the Examiner's comments at page 5 of the Action. Adequate support for the claim changes is found in the Specification on page 8, lines 2-5 which states that the pressure of the plasma generation region 12 is higher than the pressure of the substrate processing region 13.

Turning to the rejection of claims 1, 2, 4, 11, 13, 14, 16, 23, 25, 26, 28, 35, 37, 38 and 40 under 35 USC §103 as obvious over Yuda (Japanese Publication No. 11-168094), as noted in Applicants' previous Amendment, which is incorporated by reference, nowhere does Yuda teach a flow-back phenomenon of silane gas into a plasma generation region, or prevention of such a flow-back phenomenon. In the rejection, the Examiner acknowledges that Yuda does not expressly disclose the claimed aperture ratio. However, that distinction is more than merely academic, since Yuda also fails to recognize the profound advantages of providing a plate with the claimed aperture, i.e. in terms of suppression of backward flow of the reaction gas.

In the first paragraph on page 4 of the Action, the Examiner takes the position that a "prima facie case of obviousness still exists because it would have been obvious to one of ordinary skill in the art at the time the invention was made to optimize the aperture ratio ... for example, the desired gas flow ...". Even assuming *arguendo* the Examiner's position, Applicants' invention was created not to provide a "desired gas flow," but rather to prevent an undesired gas flow. Thus, it is submitted the Examiner has employed

HAYES SOLOWAY P.C.  
130 W. CUSHING ST.  
TUCSON, AZ 85701  
TEL. 520.882.7623  
FAX. 520.882.7643

175 CANAL STREET  
MANCHESTER, NH 03101  
TEL. 603.668.1400  
FAX. 603.668.8567

impermissible hindsight and is applying the teachings of the present invention to the prior art.

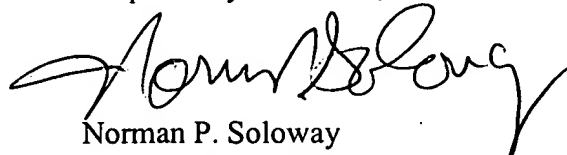
Since Yuda does not disclose either a flow-back phenomenon or the prevention of such a flow-back phenomenon, one skilled in the art would not optimize hole size to prevent such a phenomenon, and the Examiner's rejection is improper.

Turning to the rejection of claims 5, 7, 8, 10, 17, 20, 22, 29, 31, 32, 34, 41, 43, 44 and 46 under 35 USC §103 as obvious over Yuda in view of Sameshima et al. (U.S. Patent No. 5,304,250), the Examiner's rejection is again in error. The deficiencies of the primary reference Yuda have been discussed above. Sameshima also fails to disclose a mesh plate with a perforated hole area of less than 5% of the total plate area, or the advantages thereof, i.e. in terms of suppression of backflow as required by Applicants' claimed invention. Thus, no combination of Yuda and Sameshima could achieve or render obvious the instant invention.

The foregoing Amendment makes no claim changes that would require further search or consideration by the Examiner, the Examiner having already considered fully the claimed structure and function in the earlier examinations. Accordingly, entry of the foregoing Amendment and allowance of the Application are respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



Norman P. Soloway  
Attorney for Applicants  
Reg. No. 24,315

HAYES SOLOWAY P.C.  
130 W. CUSHING ST.  
TUCSON, AZ 85701  
TEL. 520.882.7623  
FAX. 520.882.7643

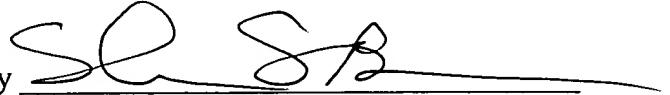
175 CANAL STREET  
MANCHESTER, NH 03101  
TEL. 603.668.1400  
FAX. 603.668.8567

Serial No. 09/820,149  
Docket No. NEC WNZ-2310  
Amendment D with RCE

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP - RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 20, 2004, at Tucson, Arizona.

By



NPS:nm/sb

HAYES SOLOWAY P.C.  
130 W. CUSHING ST.  
TUCSON, AZ 85701  
TEL. 520.882.7623  
FAX. 520.882.7643

175 CANAL STREET  
MANCHESTER, NH 03101  
TEL. 603.668.1400  
FAX. 603.668.8567